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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,240	09/17/2003	John W. Northcutt	U02-0110.37	3293

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MOORE AND VAN ALLEN PLLC FOR SEMC
P.O. BOX 13706
430 DAVIS DRIVE, SUITE 500
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/605,240	NORTHCUTT, JOHN W.	
	Examiner	Art Unit	
	TAN TRINH	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 09-01-2004 and 10-19-2005, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-8, 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsampalis (U.S. Pub. No. 20040203956).

Regarding claims 1 and 6, Tsampalis teaches a method of sending a mobile phone contact list from a first mobile phone using a mobile phone messaging service to one or more other mobile phones (see figs. 2-4, page 3, section [0033]) comprising: displaying the mobile phone contact list of the first mobile phone (see fig. 3 and 12, page 6, section [0052]); selecting one or more contacts from the mobile phone contact list (see page 4, section [0038] and page 7, section [0053-0054] and page 9, section [0065]); adding the selected contacts from the mobile phone contact list to a message (see page 2, section [0023] and page 4, section [0038]); and sending the

message containing selected contacts to the one or more other mobile phones (see page 2, sections [0023, 0026] and pages 3-4, sections [0035, 0038, 0042]).

Regarding claims 11 and 14, Tsampalis teaches a method of receiving mobile phone contact list data in a first mobile phone sent from a second mobile phone using a mobile phone messaging service (see fig. 2) comprising: receiving a message in the first mobile phone from the second mobile phone (see page 3, section [0035]); determining whether the received message contains contact list data (see page 3, section [0035]) and, if so launching a application specific software program to manage the received contact list data (see page 5, section [0044]), otherwise handling the received message normally (see page 5, sections [0045 and 0047]); displaying the received mobile phone contact list (see page 6, section [0052]); resolving contact list data conflicts between the received contact list data and contact data already stored on the first mobile phone (pages 3-4, section [0035] since the second mobile device stored as a recipient in active message recipient list, If an attached phone book 222 exists (associated phone book such information); and storing the new mobile phone contact list data in the first mobile phone (see page 4, section [0035], since either the corresponding individual phonebook entry 312 does not have a flag set, or the flag is set and phone book last update time 310 has expired, than the information in 110 will then be stored in phonebook 222 see fig. 2).

Regarding claims 2, 7, 12 and 15, Tsampalis teaches wherein the mobile phone messaging service uses a short messaging service (SMS) format (see fig. 1, page 1, sections [0002-0003] and page 2, section [0024]).

Regarding claims 3, 8, 13 and 16, Tsampalis teaches wherein the mobile phone messaging service uses a multi-media messaging service (MMS) format (see page 2, section [0024]).

Regarding claims 5 and 10, Tsampalis teaches displaying the contact data for a selected contact prior to adding the contact to the message (see figs. 4-5, page 6, section [0052]).

4. Claims 17-18 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Fulton (U.S. Pub. No. 20050041793).

Regarding claims 17 and 22, Fulton teaches a method of uploading a mobile phone contact list from a mobile phone to a computer server residing on a digital cellular network (DCN) (see figs. 4 and 6, pages 13-14, sections [0160-0161] the method comprising: selecting one or more contacts on the mobile phone to be uploaded to the computer server (see fig. 6, page 14, sections [0161-0163] and page 15, section [0169]); establishing a connection between the mobile phone and the computer server (see figs. 4 and 6, page 15, section [0183]); and uploading the contact list from the mobile phone to the computer server (see page 15, section [0169-0170]).

Regarding claim 18, Fulton teaches storing the uploaded contact list on the computer server (see page 11, section [0132, 0134] and page 14, section [0163]). Since the contact list is upload to server and server system management of the contact information that is the contact list is stored in the server.

5. Claims 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kang-Yeh (U.S. Pub. No. 20040076139).

Regarding claims 23 and 26, Kang-Yeh teaches a method of downloading a mobile phone contact list from a computer server residing on a digital cellular network (DCN) (see figs. 1, 4-5, page 5-6, section [0050]), the method comprising: establishing a connection between the mobile phone and the computer server (see fig. 1 and 4, page 6, sections [0050-0053]); and downloading the contact list from the computer server to the mobile phone (see page 5-6, sections [0050-0052]).

Regarding claim 24, Kang-Yeh teaches previewing the downloaded contact list on the mobile phone (see page 4, section [0035]).

Regarding claim 25, Kang-Yeh teaches storing the downloaded contact list on the mobile phone (see page 4, section [0035] and page 5, sections [0047-0049])).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsampalis (U.S. Pub. No. 20040203956) in view of Sauer (U.S. Pub. No. 20030078033).

Regarding claims 4 and 9, Tsampalis teaches previewing the message prior to sending the message (see fig. 12, pages 4-5, sections [0038 and 0047-0048]). But fails to show the previewing the message so that additional contacts can be added to the message and selected contacts can be deleted.

However, Sauer teaches previewing the message so that additional contacts can be added to the message and selected contacts can be deleted (see fig. 4, page 2, section [0023-0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Tsampalis and by the providing of the teaching of Sauer on display previewing sending message, in order to edit and enter the customized information (see Sauer page 3, section [0026]).

8. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulton (U.S. Pub. No. 20050041793) in view of Sauer (U.S. Pub. No. 20030078033).

Regarding claims 19 and 20, Fulton teaches new contact list has been posted (upload) on the computer server (see page 15, section [0169-0170]). But Fulton fails to teach sending a message to other mobile phones indicating that a new contact list has been posted on the computer server.

However, Sauer teaches sending a message to other mobile phones (see fig. 4) and customizable message can be “are you available on **text/date** at text/date” or “please call text defined regarding **text / date**” (see figs. 3-4, page 3, sections [0025-0026] table 2, that is obvious

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to the “indicating that a new contact list has been posted (upload) on the computer server ” that message can be customizable to user want to send his message without limited.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Fulton and by the providing of the teaching of Sauer on sending message to other mobile with customizable message, in order to enter the customized information (see Sauer page 3, section [0026]).

Allowable Subject Matter

9. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

10. The following is an examiner’s statement of reasons for allowance:

Regarding independent claim 21, the prior art of record fail to disclose or render obvious the method of claim 19 wherein the message indicating that a new contact list has been posted on the computer server is automatically sent from the computer server as cited in claim 21.

Conclusion

11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**. —

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh 
Division 2618
June 16, 2006

Anderson, Matthew D. (SPE 2618)

